

The Court deems fact discovery CLOSED except as to the issues raised in the parties' letter at ECF No. 673, with respect to which the parties shall file a joint status letter by **May 22, 2023**.

**VIA ECF**

The Honorable Sarah L. Cave  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1670  
New York, New York 10007

SO ORDERED 5/1/2023

  
SARAH L. CAVE  
United States Magistrate Judge

**Re: Monterey Bay Military Housing LLC v. Ambac Assurance Corp.**  
**Case No. 1:19-cv-9193 (PGG) (SLC)**

Dear Judge Cave:

The parties in the above-captioned action jointly submit this letter pursuant to the Court's Order dated February 13, 2023 (ECF No. 635) to apprise the Court of the status of fact discovery.

The parties certify that fact discovery in this action is substantially complete. However, as the Court is aware, limited discovery remains outstanding as follows.

1. Defendants are continuing to meet and confer with the Army and Air Force regarding Fed. R. Civ. P. 30(b)(6) depositions. Defendants anticipate filing letter motions next week with respect to any issues that cannot be consensually resolved.
2. The Fed. R. Civ. P. 30(b)(6) deposition of Clark Realty Capital, LLC, which has been noticed to take place on May 3, 2023, but which may be subject to further litigation.
3. The deposition of Kathleen Ferguson, about which Ambac and the Air Force will provide a status update to the Court on June 2, 2023 (*see* ECF No. 667).
4. The Jefferies Entities' motion concerning the deposition of Mark Connor filed yesterday.
5. The potential deposition of the individual discussed during the conference on April 21, 2023, who was not able to be deposed during the fact discovery period due to illness.

In addition, the parties agreed to extend the deadline to respond to the contention interrogatories and requests for admission served on January 23, 2023 and interrogatories served on March 20, 2023 to May 8, 2023. Defendant Dan Ray served an additional set of requests for admission on April 14, 2023 and Plaintiffs' responses are due on May 15, 2023. Defendant Ambac served